

Senate File 2298 - Introduced

SENATE FILE 2298
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3025)

A BILL FOR

1 An Act relating to the attendance of a child at juvenile court
2 hearings or meetings during the pendency of a child in need
3 of assistance case.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.91, subsection 3, Code 2009, is
2 amended to read as follows:

3 3. Any person who is entitled under section 232.88 to
4 receive notice of a hearing concerning a child shall be given
5 the opportunity to be heard in any other review or hearing
6 involving the child. A foster parent, relative, or other
7 individual with whom a child has been placed for preadoptive
8 care shall have the right to be heard in any proceeding
9 involving the child. If a child is of an age appropriate to
10 attend the hearing but the child does not attend, the court
11 shall determine if the child was informed of the child's right
12 to attend the hearing. A presumption exists that it is in the
13 best interest of a child fourteen years of age or older to
14 attend all hearings.

15 Sec. 2. Section 232.91, Code 2009, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 4. If a child is of an age appropriate
18 to attend a hearing but the child does not attend, the court
19 shall determine if the child was informed of the child's right
20 to attend the hearing. A presumption exists that it is in the
21 best interests of a child fourteen years of age or older to
22 attend all hearings and all staff or family meetings involving
23 placement options or services provided to the child. The
24 department shall allow the child to attend all such hearings
25 and meetings unless the attorney for the child finds the
26 child's attendance is not in the best interests of the child.
27 If the child is excluded from attending a hearing or meeting,
28 the department shall maintain a written record detailing the
29 reasons for excluding the child. Notwithstanding sections
30 232.147 through 232.151, a copy of the written record shall be
31 made available to the child upon the request of the child after
32 reaching the age of majority.

33 EXPLANATION

34 This bill relates to the attendance of a child at juvenile
35 court hearings or meetings during the pendency of a child in

1 need of assistance case.

2 The bill creates a presumption that it is in the best
3 interests of a child 14 years of age or older to attend all
4 hearings and all staff or family meetings related to placement
5 options or services during the pendency of a child in need of
6 assistance case involving the child.

7 The bill requires the department of human services to allow
8 the child to attend all such hearings and meetings unless the
9 attorney for the child finds the child's attendance is not
10 in the best interests of the child. The bill also requires
11 the department of human services to maintain a written record
12 detailing the reasons for excluding the child from a hearing or
13 meeting and, notwithstanding confidentiality provisions in Code
14 sections 232.147 through 232.151, a copy of the written record
15 shall be made available to the child upon the request of the
16 child after reaching the age of majority.